

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 5, 13, and 20 are currently being amended.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-21 are now pending in this application.

Applicants have amended independent claim 1 and claim 5 which depends therefrom. Applicants have also amended independent claims 13 and 20. Independent claim 1 has been amended to clarify that the cartridge is “pivotally connected to the sleigh.” Independent claim 1 now also describes the location of the snap fit between the cartridge and the sleigh as occurring “at a first end of the cartridge.” The embodiment reflected in independent claim 1 has also been clarified to indicate that the cutting element is removable without the use of tools, which provides for safer and easier changing of the cutting element by a user. Dependent claim 5 now claims the leaf spring as “fixedly secured to a second end of the cartridge.” Independent claim 13 has been amended to describe the cartridge as being “pivotally” connected to the sleigh “at a first end of the cartridge.” Independent claim 13 also clarifies that the biasing member is operatively connected “at a second end of the cartridge.” Independent claim 20 has been amended to describe “the biasing member fixedly attached to the upper casing member”.

A First Office Action was issued September 17, 2004, objecting to the drawings and rejecting claims 1-21. The drawings were rejected for failure to comply with 37 C.F.R. §1.84(p)(5). Claims 1, 2, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,802,942 issued to Cornell et al. (“Cornell”). Claims 1, 2, 11, and 12 were

rejected as being anticipated by U.S. Pat. No. 5,322,001 issued to Boda (“Boda”)¹. In addition, claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boda or Cornell in view of U.S. Pat. No. 4,515,053 issued to DuBois (“DuBois”). Claims 1, 2, 13, and 20 were rejected as being unpatentable over U.S. Pat. No. 802,720 issued to Weber (“Weber”) in view of Boda. Claims 3-5, 14-17, and 21 were rejected as being unpatentable over Weber in view of Boda and in further view of DuBois. Claims 6 and 7 were rejected as being unpatentable over Boda in view of U.S. Pat. App. Pub. No. 2003/0140761 issued to Schulz (“Schulz”) or U.S. Des. Pat. No. 412,931 issued to Chan et al (“Chan”). Claim 8 was rejected as being unpatentable over Boda in view of Schulz and in further view of U.S. Pat. No. 4,341,247 issued to Price (“Price”). Claims 9 and 10 were rejected as being unpatentable over Boda in view of U.S. Pat. No. 3,532,018 issued to Szabo (“Szabo”). Claims 18 and 19 were rejected as being unpatentable over Boda in view of DuBois, and in further view of Szabo.

The drawings were rejected for failure to comply with 37 C.F.R. §1.84(p)(5). Applicants have amended the specification, in accordance with the teachings of the figures, to reflect the reference numeral 57 for the area indicating the type of blade present. Applicants believe the application is now in compliance with 37 CFR 1.121(d).

The drawings were rejected for failure to comply with 37 C.F.R. §1.84(p)(5). Applicants have amended the drawing in accordance with the specification to reflect the reference numeral 14 for the area indicating the type of blade cartridge assembly. Applicants believe the application is now in compliance with 37 CFR 1.121(d).

Claims 1, 2, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cornell. As mentioned, claim 1 has been amended. As can be seen in FIG. 11 of Cornell, the blade assembly (which the examiner equated with the cartridge) and carrier (which the examiner

¹ Applicants note that the Examiner referred to U.S. Pat. No. 5,322,001 as being issued to Baba. However U.S. Pat. No. 5,322,001 was, in fact, issued to Boda. The Examiner cited U.S. Pat. No. 5,619,898 issued to Baba as prior art of record. Thus, the Examiner appears to have been referring to U.S. Pat. No. 5,322,001 in the rejections, so Applicants have responded as such. If this is not correct, the Examiner is encouraged to contact the Attorneys for the Applicants.

equated to the sleigh) are fixedly positioned together, no pivoting is possible. The blade assembly is disposed within a cavity of the carrier preventing any motion except removal. See Cornell Col. 5, Ln. 3. Cornell does not teach the use of a cartridge which is pivotally connected to the sleigh at a first end of the cartridge. The pivotal connection provides for ease of use by a user. The prior art required even pressure on the carriage to counter the biasing force and apply the blade to the paper. Thus, uneven cutting could occur where a user was not careful. In addition, without a pivoting motion, the user must apply force both perpendicular to and parallel with the material to be cut to enable the blade to engage the material and the sleigh to travel along the rail. The pivoting motion allows for a user to more conveniently apply a force which pivots the blade into contact with the material and moves the sleigh along the rail.

Claims 1, 2, 11, and 12 were rejected as being anticipated by Boda. As discussed above in regard to Cornell, the claims have been amended to describe the pivotal connection between the first end of the cartridge and the sleigh. As can be seen in FIGS. 5-7 of Boda, the “trolley” and “cover” engage via interlocking tabs and flanges. The trolley and cover of Boda are not engaged at a first end, but rather interlock around their periphery.

In addition, claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Boda or Cornell in view of DuBois. As discussed, Boda and Cornell do not teach a cartridge pivotally connected at one end to the sleigh. DuBois teaches a continuous web feeder for printers. However, DuBois does not disclose a carriage or a sleigh. The pivoting aspect of the claimed embodiments provides for ease of use by a user in cutting material on the board. The pivoting aspect provides for a more uniform and “natural” movement to actuate the blade to the material while also moving the sleigh along the rail.

Claims 1, 2, 13, and 20 were rejected as being unpatentable over Weber in view of Boda. Weber does not teach a cartridge pivotally connected at a first end to the sleigh at a first end of the cartridge. As can be seen in FIG. 1 of Weber, the “carriage” is positioned within a groove of the “sleigh” which would restrict the the carriage to vertical movements. As discussed above,

Boda also does not teach this aspect of the invention. In addition, neither Weber nor Boda teach the biasing member being connected at a second end of the cartridge as required by claim 13.

Claims 3-5, 14-17, and 21 were rejected as being unpatentable over Weber in view of Boda and in further view of DuBois. As previously discussed, neither Weber, Boda, or DuBois teaches the use of a carriage pivotally connected at a first end to the sleigh. In addition, regarding claim 5 and 14-17, DuBois does not solve the deficiency of Weber and Boda regarding a teach of a biasing member connected to the carriage at a second end. As DuBois lacks the carriage and sleigh, it also lacks any teaching of a biasing mechanism for biasing the carriage against the sleigh.

Claims 6 and 7 were rejected as being unpatentable over Boda in view of Schulz or Chan. As discussed, Boda does not teach a cartridge pivotally connected at one end to the sleigh. Chan is a design application and the ornamental features it shows do not teach a carriage pivotally connected at one end to the sleigh. Chan does not illustrate a carriage and sleigh combination but rather seems to illustrate a carriage which directly slides along the rail. Schulz also does not teach a carriage pivotally connected at one end to the sleigh. The carriage of Schulz is disposed in a cavity such as shown in FIG. 8 of Schulz.

Claim 8 is rejected as being unpatentable over Boda in view of Schulz and in further view of Price. As discussed, Boda and Schulz do not teach a cartridge pivotally connected at one end to the sleigh. Price is directed to an extension table assembly for power tools. Price does not teach paper trimmers, nor does Price disclose using a carriage and sleigh to transpose a blade across a board. As such, Price does not teach a cartridge pivotally connected at one end to a sleigh.

Claims 9 and 10 were rejected as being unpatentable over Boda in view of Szabo. As discussed, Boda does not teach a cartridge pivotally connected at one end to the sleigh. Szabo is directed to a copy layout table. Szabo teaches a cutting arm movable along a rod. Szabo does not teach the use of a carriage pivotally connected to a sleigh at one end.

Claims 18 and 19 were rejected as being unpatentable over Boda in view of DuBois, and in further view of Szabo. As discussed, Boda does not teach a cartridge pivotally connected at one end to the sleigh nor the use of a biasing member connected at a second end of the cartridge. None of the additional prior art discloses the use of a pivoting cartridge connected at one end to the sleigh and at the other end to a biasing member.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Respectfully submitted,

Date March 17, 2005 By Matt E. Martin

FOLEY & LARDNER LLP
Customer Number: 27433
Telephone: (312) 832-4358
Facsimile: (312) 832-4700

Matt E. Martin
Attorney for Applicant
Registration No. 53,274